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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,095	03/19/2001	Thomas Mike Tuerke	30566.120-US-01	1399

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EXAMINER

KENDALL, CHUCK O

ART UNIT PAPER NUMBER

2122

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/813,095

Applicant(s)

TUERKE ET AL.

Examiner

Chuck O Kendall

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03/19/2001, 06-25/2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. This action is in response to the application filed 03/19/01.
2. Claims 1 - 27 have been examined.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 3, 5 – 11, 13 – 19 & 21 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko et al. USPN 6,292,185 B1 (hereinafter “Ko”) in view of Kasso et al. USPN 5,832,505 (hereinafter “Kasso”).

Regarding claims 1, 9, 17, & 25 – 27 Ko discloses a computer-implemented method (Col.9: 24 – 37), a system (FIG.1) and an article of manufacture (Col. 10:1 – 48) for electronically obtaining a Web page in a Web browser comprising:

requesting a Web page (FIG.2, 201); a script block comprising a method that accesses the component module control object (Col.4:46 – 50, see Visual Basic Scripting); obtaining the component module control object, wherein the component module control object comprises one or more resources (Col.4:30 – 33, see request to download object); installing the component module control object (FIG.3,304); and using the method of the script block to extract a Web page based on the resources of the component module control object (Col.4:57 – 63, see if not native, and directive in CODEBASE, to download contained in the default.htm). Ko doesn't explicitly disclose

obtaining a bootstrap file, wherein the bootstrap file comprises a declaration of a component module control object. However, Kasso does disclose this feature in analogous prior art (Col.5:20 – 35, section BOOT SEQUENCE). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ko with Kasso to implement the instant claimed invention because, obtaining a bootstrap file would enable an operating system to be executed or loaded from a remote location (Col.4: 54 – 60).

Regarding claim 2, the method of claim 1 further comprising:

determining if the control object is an up to date version of the control object (Ko, FIG.5, 501);

if the control object is not an up to date version, obtaining and installing an up to date version of the control object (Ko, FIG.5, 502).

Regarding claim 3, Ko discloses all the claimed limitations as applied in claim 1, as well as determining if the obtained object version information is more recent than version information for an already installed object (Ko, FIG.5, 500 see configuration file as interpreted). Ko doesn't explicitly disclose obtaining a new bootstrap file (Col.5: 54 – 59) and examining version information. However, Kasso does disclose this information in an analogous art (Col.8: 10 – 20, for selector and application name). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ko with Kasso to implement the instant claimed invention because, obtaining the proper versions of a bootstrap file would enable an operating system to be executed or loaded from a remote location more efficiently.

Regarding claim 5, the method of claim 1 wherein:

a connection to a server is available (Ko, FIG.2, 201); and

the Web page comprises content obtained from the resources of the component module control object and from the server (Ko, FIG.2, 201-210).

Regarding claim 6, the method of claim 1 wherein at least one of the resources is accessed using the RES protocol (Ko, Col.7:35 – 40, see URL, and protocol).

Regarding claim 7, the method of claim 1 wherein the object is an ActiveX control (Ko, Col.4: 50).

Regarding claim 8, Ko discloses all the claimed limitations as applied in claim 1 above. Ko doesn't explicitly disclose wherein the bootstrap file is a text document. However, Kasso does disclose this feature in analogous art (Kasso, 4: 67, see Hypertext Markup Language). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Ko and Kasso because, using a text document would make it more portable.

Regarding claim 10, the system version of claim 2, see rationale as previously discussed above.

Regarding claim 11, the system version of claim 3, see rationale as previously discussed above.

Regarding claim 13, the system version of claim 5, see rationale as previously discussed above.

Regarding claim 14, the system version of claim 6, see rationale as previously discussed above.

Regarding claim 15, the system version of claim 7, see rationale as previously discussed above.

Regarding claim 16, the system version of claim 8, see rationale as previously discussed above.

Regarding claim 18, the article of manufacture version of claim 2, see rationale as previously discussed above.

Regarding claim 19, the article of manufacture version of claim 3, see rationale as previously discussed above.

Regarding claim 21, the article of manufacture version of claim 5, see rationale as previously discussed above.

Regarding claim 22, the article of manufacture version of claim 6, see rationale as previously discussed above.

Regarding claim 23, the article of manufacture version of claim 7, see rationale as previously discussed above.

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Regarding claim 24, the article of manufacture version of claim 8, see rationale as previously discussed above.

5. Claims 4, 12, & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko et al. USPN 6,292,185 B1 (hereinafter "Ko") in view of Kasso et al. USPN 5,832,505 (hereinafter "Kasso") as applied in claim 1, and further in view of Estrada et al. USPN 6,594,664 (hereinafter "Estrada").

Regarding claim 4, the combination of Ko and Kasso discloses all the claimed limitations as applied in claim 1 above. The combination of Ko and Kasso doesn't explicitly disclose when a connection to a server is not available wherein the Web page is obtained exclusively via the bootstrap file, wherein the bootstrap file is stored locally.

However, Estrada does disclose this feature in analogous art (Col.17: 30 – 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Ko and Kasso with Estrada because, it would enable offline executions of applications.

Regarding claim 12, the system version of claim 4, see rationale as previously discussed above.

Regarding claim 20, the article of manufacture version of claim 4, see rationale as previously discussed above.

### ***Correspondence Information***

7. Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam *can be* reached at (703) 305-4552.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to central FAX number 703-872-9306 and 703-7467240 draft.

*Chuck B. Kendall*

*Software Engineer Patent Examiner*

*United States Department of Commerce*



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**